

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

August 28, 2009

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Ref: 09od-081

OAHU

Issuance of Right-of-Entry Permit to University of Hawaii on Lands Encumbered  
by Governor's Executive Order No. 1716, Keawaula, Waianae, Oahu, Tax Map  
Key: (1) 6-9-003:portion of 002.

APPLICANT:

University of Hawaii c/o School of Ocean and Earth Science and Technology,  
Department of Oceanography, whose mailing address is 1000 Pope Road, Honolulu,  
Hawaii 96822.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Keawaula, Waianae, Oahu, identified by Tax  
Map Key: (1) 6-9-003:portion of 002, as shown on the attached map labeled Exhibit A.

AREA:

Not applicable. The request involves installation of low power transmitted antennas.

ZONING:

State Land Use District: Agricultural/Conservation  
City and County of Honolulu LUO: P-2

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by General Lease No. S-3845, United States Air Force, Lessee, for access

and utility purposes. Lease to expire on August 16, 2029.

Encumbered by Governor's Executive Order No. 1716 to Department of Land and Natural Resources, Division of Forestry and Wildlife for public shooting ground and game reserve purposes.

CHARACTER OF USE:

Ocean surveillance system, including installing antennas and related instruments.

TERM OF RIGHT-OF-ENTRY:

Five (5) year, or completion of the research project, whichever is the sooner.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, Item No. 1 that states "Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes."

DCCA VERIFICATION:

Not applicable.

APPLICANT REQUIREMENTS:

None.

REMARKS:

The National Oceanic and Atmospheric Administration has funded the University of Hawaii (UH) to develop an operational ocean surveillance system for the State. The program will consist of high frequency radio instruments to measure ocean currents and waves remotely and information collected is valuable to coastal communities.

The transmit antennas will be installed at the subject State land, while the receive antennas will be installed in an area under the jurisdiction of the Air Force.

Division of Forest and Wildlife (DOFAW) recommends attaching flagging or other bird diverters from the guy wires and ask the applicant contact the State Historic Preservation Division to determine if there are any significant historic properties that are potentially affected by the project. Subject to the above provisions, DOFAW does not expect the described project to have any significant impact on listed species.

Office of Conservation and Coastal Lands (OCCL) has approved the installation of the antennas within conservation district lands. The same research project will also involve using the area under GL 3845, and applicant has obtained agreement from the U.S. Air Force. State Historic Preservation Division responded with no comment on the request. Staff did not solicit comments from other agencies.

This is a government related project and no entity involved intends to profit monetarily from its use. Staff recommends the requested right-of-entry permit be issued at gratis

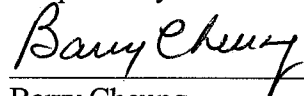
Further, staff recommends the Board authorize the Chairperson to extend the right-of-entry for good cause. There are no other pertinent issues or concerns.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to the University of Hawaii covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

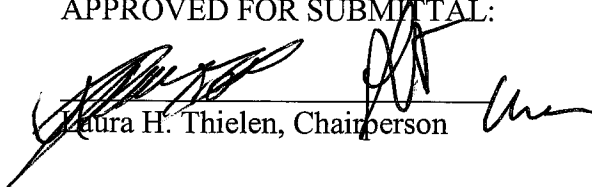
1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. Applicant shall attach flagging or other bird diverters from the instruments.
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Authorize the Chairperson to issue future right-of-entries to the Applicant in relation to its ocean surveillance system, including installing antennas and related instruments purposes.

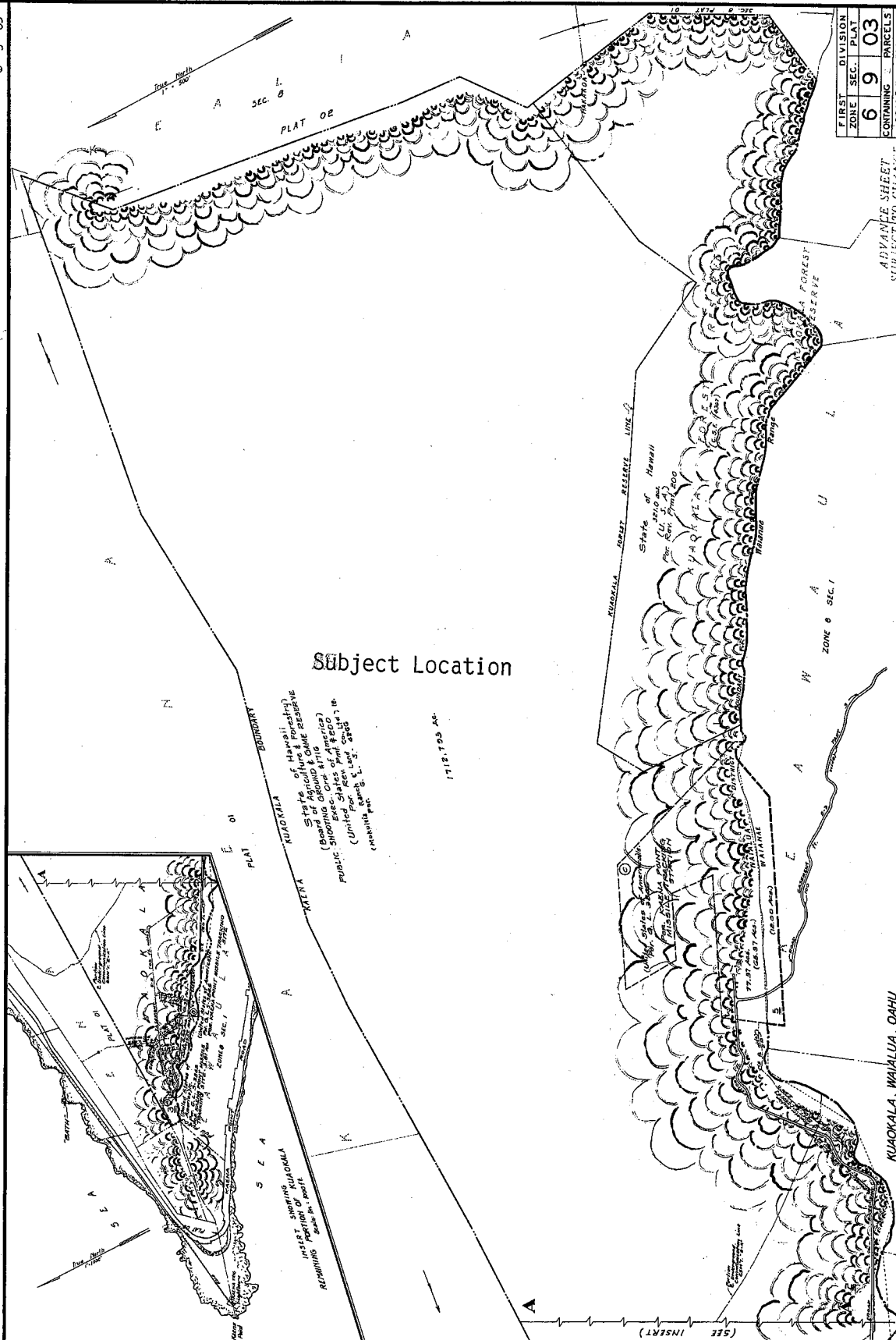
Respectfully Submitted,



Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
Laura H. Thielen, Chairperson



ADVANCE SHEET  
SUBJECT TO CHANGE

**PRINTED**

Dwg. No.: \_\_\_\_\_  
 Revised to: \_\_\_\_\_  
 By: P.R. & H.N. Sept 1933  
 Source: The Maps Bureau & Survey Dept.